

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STRATMARK, LTD.,

Plaintiff,

v.

CROSS MEDIAWORKS, INC.,

Defendant.

§
§
§
§
§
§
§

Civil Action No. **3:10-CV-780-L**

MEMORANDUM OPINION AND ORDER

Before the court is Plaintiff's Motion to Enlarge Time, filed June 21, 2010. After reviewing the motion, response, reply, record, and applicable law, the court **grants** Plaintiff's Motion to Enlarge Time.

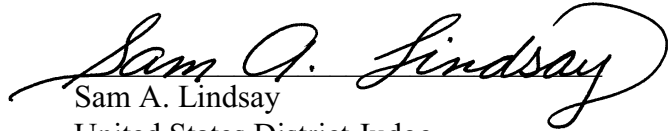
Plaintiff Stratmark, Ltd, ("Plaintiff") requests an extension of at least ninety days to conduct additional jurisdictional discovery before filing a response to Defendant Cross MediaWorks, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction. Defendant Cross MediaWorks, Inc. ("Defendant") opposes the extension of time and argues that Plaintiff has not shown good cause. The court disagrees.

Although Defendant cites authority stating that the court need not allow additional time for discovery here, it is apparent that such a determination is subject to the court's discretion. The court is satisfied that Plaintiff's request is not being sought for the purpose of delay and that allowing such discovery will aid the parties and the court in correctly resolving the disputed jurisdictional issue. Defendant contends that the jurisdictional issue becomes moot if the court transfers this action to Oklahoma; however, the court affords some deference to Plaintiff's selection of forum and must first

determine whether jurisdiction here is proper. The court determines that a reasonable extension of time is appropriate.

Accordingly, the court **grants** Plaintiff's Motion to Enlarge Time. Plaintiff shall have sixty days from the date of this order to conduct jurisdictional discovery. The discovery shall be completed no later than **September 7, 2010**. Plaintiff shall then file a response to Defendant Cross MediaWorks, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction within fifteen days following the end of the discovery period. The response shall be filed no later than **September 22, 2010**.

It is so ordered this 9th day of July, 2010.


Sam A. Lindsay
United States District Judge